

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PRISCILLA TOOMER	:	CIVIL ACTION
	:	
v.	:	
	:	
JO ANNE B. BARNHART,	:	
COMMISSIONER OF SOCIAL SECURITY	:	NO. 2:04-cv-05733

ORDER

AND NOW, this 14th day of November 2005, upon consideration of plaintiff's motion for summary judgment, defendant's motion for summary judgment, and plaintiff's reply brief, and after careful review of the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter, it is hereby

ORDERED

1. The Report and Recommendation is APPROVED and ADOPTED;
2. Plaintiff's motion fore summary judgment is GRANTED;
3. Defendant's motion for summary judgment is DENIED;
4. This case is REMANDED in accordance with the fourth sentence of 42 U.S.C. § 405(g) to the Commissioner of the Social Security Administration for further proceedings consistent with the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter; and
5. Judgment is entered in favor of plaintiff and against defendant.

BY THE COURT:

/s/
Legrome D. Davis, J.

